

Gayle M. Blatt, SBN 122048  
*gmb@cgllaw.com*  
CASEY GERRY SCHENK  
FRANCAVILLA BLATT & PENFIELD, LLP  
110 Laurel Street  
San Diego, CA 92101  
Telephone: 619.238.1811  
Facsimile: 619.544.9232

Cari Campen Laufenberg (*pro hac vice*)  
*claufenberg@kellerrohrback.com*  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101  
Telephone: 206.623.1900  
Facsimile: 206.623.3384

Norman E. Siegel (*pro hac vice*)  
*siegel@stuevesiegel.com*  
STEVE SIEGEL HANSON LLP  
460 Nichols Road, Suite 200  
Kansas City, MO 64112  
Telephone: 816.714.7100  
Facsimile: 816.714.7101

*Interim Co-Lead Class Counsel*

Rebekah S. Guyon, SBN 291037  
*Rebekah.guyon@gtlaw.com*  
GREENBERG TRAURIG LLP  
1840 Century Park East, Suite 1900  
Los Angeles, CA 90067  
Telephone: (310) 586-7700

Stephen L. Saxl (*pro hac vice*)  
*saxls@gtlaw.com*  
One Vanderbilt Avenue  
New York, NY 10017  
Telephone: (212) 801-9200

Ian C. Ballon, SBN 141819  
*ballon@gtlaw.com*  
1900 University Avenue, 5th Floor  
East Palo Alto, CA 94303  
Telephone (650) 328-8500  
Fax: (650) 328-8508

Kristin O'Carroll, SBN 312902  
*ocarrollk@gtlaw.com*  
101 Second Street, Suite 2200  
San Francisco, CA 94105-3668  
Telephone: (415) 655-1300

*Attorneys for Defendant 23andMe, Inc.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE 23ANDME, INC. CUSTOMER DATA  
SECURITY BREACH LITIGATION

CASE NO. 3:24-md-03098-EMC

**JOINT RESPONSE TO ORDER  
CONDITIONALLY GRANTING MOTION  
FOR PRELIMINARY APPROVAL (ECF NO.  
160)**

On December 4, 2024, the Court issued an order (ECF No. 160) conditionally granting the Motion for Preliminary Approval (ECF No. 103) and requesting the Settling Parties report back on the following issues within two weeks:

**1. Confirming Whether Modifications Have Been Made Consistent With The Court's December 4, 2024 Order (ECF No. 160)**

23andMe has considered the Court's December 4, 2024 Order, which approved the proposed settlement "conditioned on certain modifications." ECF No. 160 at 25. Among other modifications, the Court ordered "the settlement class definition agreed to by the parties must be modified to exclude those 23andMe customers who have chosen to exercise their right to arbitrate, whether by making a mere demand for arbitration or by filing a formal complaint with the arbitral forum" and "[t]he Court's granting of the motion for preliminary approval is conditioned on the Settling Parties' agreement to a modified definition." *Id.* at 19.

23andMe is continuing to consider the modifications in the Court's December 4, 2024 Order. The modified settlement class definition does not appear financially feasible, but 23andMe is continuing to evaluate whether or not it can proceed with the modified terms. As part of this consideration, 23andMe has obtained an agreement from attorneys representing the Arbitrating Objectors to participate in a mediation.

The Settling Parties have met and conferred and agreed, subject to the approval of the Court, to allow 23andMe until January 17, 2025, to consider whether it can proceed with the modified settlement terms. With the Court's approval, by January 17, 2025, the Settling Parties will update the Court as to 23andMe's position or will propose a deadline for 23andMe's response to the Consolidated Amended Complaint, in the event 23andMe elects not to proceed with the modified settlement.

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**2. Drafting Language Of A Notice To Be Issued To Individuals Seeking Arbitration Who Have Been Excluded From The Class Definition**

Because 23andMe to date has not agreed to the modified class definition, the Settling Parties have not conferred with the Arbitrating Objectors regarding notice to those individuals who would be excluded from the class definition by the Court's December 4, 2024 Order.

Dated: December 18, 2024

*/s/ Casey Gerry Schenk*

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CASEY GERRY SCHENK  
FRANCAVILLA BLATT & PENFIELD, LLP  
Gayle M. Blatt, SBN 122048  
110 Laurel Street  
San Diego, CA 92101  
Telephone: 619.238.1811  
Facsimile: 619.544.9232  
*gmb@cglaw.com*

Dated: December 18, 2024

*/s/ Cari Campen Laufenberg*

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KELLER ROHRBACK L.L.P.  
Cari Campen Laufenberg (*pro hac vice*)  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101  
Telephone: 206.623.1900  
Facsimile: 206.623.3384  
*claufenberg@kellerrohrback.com*

Dated: December 18, 2024

*/s/ Norman E. Siegel*

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STUEVE SIEGEL HANSON LLP  
Norman E. Siegel (*pro hac vice*)  
460 Nichols Road, Suite 200  
Kansas City, MO 64112  
Telephone: 816.714.7100  
Facsimile: 816.714.7101  
*siegel@stuevesiegel.com*

Interim Co-Lead Class Counsel

Dated: December 14, 2024

*/s/ Rebekah S. Guyon*

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GREENBERG TRAURIG, LLP  
Rebekah S. Guyon, SBN 291037

1 Rebekah.Guyon@gtlaw.com  
2 Greenberg Traurig LLP  
3 1840 Century Park East, Suite 1900  
4 Los Angeles, CA 90067  
5 (310) 586-7700

6 Stephen L. Saxl (*pro hac vice*)  
7 One Vanderbilt Avenue  
8 New York, NY 10017  
9 Telephone: (212) 801-8184  
10 *saxls@gtlaw.com*

11 Attorneys for Defendant 23andMe, Inc.  
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